



THE CITY OF NEW YORK
LAW DEPARTMENT

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June 14, 2019

BY ECF

Honorable John G. Koeltl
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Zeng v. Chell, et al.,
19-CV-3218 (JGK)

Your Honor:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney for defendant City of New York in the above-referenced matter. The undersigned writes to respectfully request that the Court, *sua sponte*, extend the time from June 26, 2019 until July 22, 2019, for defendants Danielle Febus and Gary DeNezzo, to answer or otherwise respond to the complaint in this matter, and extend the time from June 28, 2019 until July 22, 2019, for defendant Diego Andrianzan to answer or otherwise respond to the complaint in this matter to ensure that their defenses are not jeopardized.¹

There are several reasons for seeking enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations set forth in the complaint. Further, pursuant to Section 50-k of the New York General Municipal Law, this Office must determine, based on a

¹ Upon information and belief, and according to the docket sheet in this matter, defendants George Tavarez and John Chell have not yet been served. The undersigned respectfully requests that the Court *sua sponte* extend their time to answer or otherwise respond to the complaint until July 22, 2019 as well in the event that they are properly served.

review of the case, whether we may represent the aforementioned defendants. The defendants must then decide whether they wish to be represented by this Office. See Mercurio v. City of N.Y., 758 F.2d 862, 854–65 (2d Cir. 1985) (quoting Williams v. City of N.Y., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (stating that the decision to represent individual defendants is made by the Corporation Counsel as set forth in state law)). If so, we must obtain the defendants' written authorization. Only after this procedure has been followed can we determine how to proceed with representation in this case. This Office is currently in the process of obtaining New York Police Department records associated with the alleged incident, and an enlargement of time would permit this Office to complete its investigation as to representation.

For the foregoing reasons, the undersigned respectfully requests that defendants Danielle Febus, Gary DeNezzo, and Diego Andrianzan's time to answer or otherwise respond to the complaint be enlarged until July 22, 2019.

Respectfully submitted,

/s/

Stephanie De Angelis
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cc: **BY FIRST CLASS MAIL**
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